

**To:** Garbow, Avi[Garbow.Avi@epa.gov]  
**From:** Conference of Western Attorneys General  
**Sent:** Fri 8/14/2015 2:00:42 PM  
**Subject:** CWAG Roundup - August 14, 2015

## **CWAG Roundup**

**August 14, 2015**

Dear Avi,

### EXECUTIVE SUMMARY

#### **CWAG ANNUAL MEETING NEWS**

**Former CWAG Associate Attorney General Martha Coakley of Massachusetts** wrote a nice summary of the continuing educational programs offered at the 2015 CWAG Annual Meeting. Martha wrote: "Attorneys General, meeting at the Conference of Western Attorneys General ("CWAG") on Maui recently, tackled as usual a range of issues from the Rule of Law, an ongoing and important initiative with Mexican police, prosecutors and businesses, to EPA regulatory actions. Through daily multiple panels and Q & A, AGs of several terms' experience and some still within their first six months of service rubbed shoulders with federal regulators from the FTC as well as the Chief Information Security Officer from Comcast and the General Counsel from LexisNexis." Please see the attached articles for her full description.

**CWAG Attorney General Edward Manibusan** of the Northern Mariana Islands returned home to Saipan after the Annual Meeting to be greeted by that Islands worst typhoon in many years. Saipan lost most of its power and fresh water sources for many days. CWAG will keep our members advised of the progress Saipan makes to recover from this disaster and send General Manibusan and the people of Saipan our thoughts and prayers.

#### **CWAG FRIEND JEFFREY AMESTOY HAS A NEW BOOK**

In 1834 Harvard dropout Richard Henry Dana Jr. sailed to California as a common seaman. His account of the voyage, *Two Years Before the Mast*, quickly became an American classic. But literary acclaim could not erase the young lawyer's memory of the brutal floggings he had witnessed aboard ship or undermine the vow he had made to combat injustice. In *Slavish Shore*, **Jeffrey Amestoy** tells the story of Dana's unflagging determination to keep that vow in the face of nineteenth-century America's most exclusive establishment: the

Boston society in which he had been born and bred. Published by Harvard University Press.

### ***ENVIRONMENTAL LAW***

**CWAG Attorney General Sean Reyes of Utah joined CWAG Attorney General Cynthia H. Coffman of Colorado and CWAG Attorney General Hector Balderas of New Mexico** in Durango, Colorado, to share information and discuss the immediate and possible long term impacts of the Environmental Protection Agency's (EPA) Gold King Mine spill with concerned citizens and press. "One of the reasons I am in Durango today is to discuss with my colleagues from Colorado and New Mexico legal options to ensure the EPA lives up to its promise to be fully accountable and transparent, and to make our citizens and environment whole," said General Reyes. "It is premature to say what legal action will be taken until we better understand the damage that has already occurred and also learn what the EPA is willing to compensate. In that process, we will ensure the EPA, and any other potentially liable entities, are held legally responsible not just for short term effects but for damage that may not be known or understood for years to come."

### ***FIGHTING GANG VIOLENCE***

In response to the rampant gang violence plaguing El Salvador for years, **Attorney General Luis Martinez** has issued around 300 arrest warrants for gang members suspected of what are being called "terrorist acts." Gang members put a stop to public transportation when they ordered drivers to go on strike. In order to enforce the strike, the gangs set fire to buses and killed at least seven drivers who would not go along with their demands. The violence between rival gangs has left El Salvador with one of the highest murder rates in the world. In June there were almost 700 murders. Attorney General Luis Martinez met with CWAG Attorneys General in Park City, Utah, in 2014, to discuss how law enforcement in El Salvador could work with our members to fight organized crime that flows across borders.

### ***HUMAN TRAFFICKING***

**CWAG Associate Attorney General Patrick Morrissey of West Virginia** hosted a Truckers Against Trafficking event in Charleston. The event aimed to educate West Virginia trucking industry leaders, including general managers of West Virginia truck stops, about issues related to adult/child sexual exploitation and human trafficking. "This event is a great opportunity to hear from law enforcement and other leaders on how they are working to combat this very important issue," General Morrissey said. "We are also hoping to receive input from attendees as to how law enforcement and the trucking industry can collaborate to combat sex trafficking right here in West Virginia."

## **PROTECTING CONSUMERS**

**CWAG Attorney General Ellen Rosenblum of Oregon** reached a \$1.1 million settlement with Insys, the company that manufactures the schedule II opioid drug Subsys, to resolve allegations that the powerful drug approved by the Food and Drug Administration (FDA) to treat cancer pain was marketed in Oregon for off-label uses such as non-cancer neck and back pain. The Assurance of Voluntary Compliance (AVC) also resolves allegations that the company provided improper financial incentives to some doctors to increase Subsys prescriptions, targeted doctors for aggressive promotion of Subsys when the doctor was not qualified to prescribe the drug, and deceptively promoted Subsys for treatment of mild pain.

Oregon is the first government entity to settle with Insys for this alleged misconduct. "Subsys is a very powerful narcotic that has been approved for only a very specific and narrow use," said General Rosenblum. "Schedule II drugs have a very high potential for abuse and addiction, and it is unconscionable that a company would promote such a powerful drug for off-label uses as well as misrepresent to doctors the benefits of the drug."

**CWAG Attorney General Mark Brnovich of Arizona** announced the filing of a consumer fraud lawsuit against a Tucson business accused of offering fraudulent legal services. The complaint alleges Ofelia Olivas Lizarraga falsely represented that she was qualified and authorized to provide legal advice and prepare legal documents on immigration, divorce, and other legal matters. "The Arizona Attorney General's Office has zero tolerance for individuals or businesses that prey on our Spanish-speaking community," said General Brnovich. Lizarraga was a commissioned notary public until December 2014 when the state revoked her commission. She allegedly continued to advertise in Spanish that she was a "notario publico." The term "notario publico" denotes a person who is a legal professional. Arizona law requires a notary public who advertises in a language other than English to conspicuously state, in both English and the language used in the advertisement, the following: "I am not an attorney and cannot give legal advice about immigration or any other legal matter."

**CWAG Associate Attorney General Maura Healey of Massachusetts** announced that a Revere attorney and his two businesses have been ordered to pay more than \$625,000 for targeting homeowners with deceptive advertisements and demanding thousands in illegal advance fees for mortgage modification and foreclosure relief services they failed to deliver. "At a time when homeowners were struggling to afford their mortgages, this attorney abused his clients' trust and deliberately exploited their financial circumstances by demanding exorbitant fees based on false promises, leaving these homeowners even more vulnerable," General Healey said. "This judgment puts an end to these deceptive and unfair practices and confirms that those who seek to capitalize on the foreclosure crisis will be held accountable."

**CWAG Associate Attorney General Pam Bondi of Florida** obtained a

preliminary injunction against Financial Help Services, Inc., Nation Wide Consumer Debt Relief, Inc. and Bobby Blackmon over allegations that the defendants falsely promised to assist consumers lower their debt and improve poor credit. The complaint and temporary injunction filed by Attorney General Bondi alleges the defendants accepted payments from consumers but did not make promised payments to the consumers' creditors on time, or sometimes even at all. "These companies promised help and relief but all consumers received was heartache and more debt," said General Bondi. "Even worse, the defendants targeted consumers who were proactively trying to lower their debt and improve their credit."

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